

## **Kagan Decl. Ex. 17**



Steve Cohen &lt;steve.cohen@stevecohenesq.com&gt;

**GHI**

39 messages

**Steve Cohen** <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 3:43 PM

To: Steve Cohen &lt;steve.cohen@stevecohenesq.com&gt;

Bcc: Alexis Watson <awatson3500@yahoo.com>, Alice Hamlet <foxyred7772002@yahoo.com>, Ann Zaino <heymarge40@gmail.com>, Audrey Stillman <murphytigger5@aol.com>, "Beatty, Tom - Thomas" <tom.p.beatty@lowes.com>, bob cohen <nehoc90@concentric.net>, Bobby Albertson <bikerfuzz@verizon.net>, BXSALSA <bathgatepapi@aol.com>, C Bibbs <bb19609@yahoo.com>, Candido Rodriguez <nycdtsgt@aol.com>, Catfish Hunter <123brooktrout123@gmail.com>, charles <chashav@yahoo.com>, chris green <cg274@yahoo.com>, Christa Mazzie <christa.cbd@gmail.com>, Christopher Lundberg <teshiachris@earthlink.net>, "clinton.carrie@yahoo.com" <clinton.carrie@yahoo.com>, Denise <mclcdc77@gmail.com>, E J <wandafish78@hotmail.com>, Ellen <mrsmarlin@gmail.com>, Eric Golub <gtf2859@aol.com>, Francisco Velez <f848@aol.com>, Frank & Karen <dfam5@carolina.rr.com>, Gary Bivens <biv54@yahoo.com>, Gary Poggiali <gjpoggiali@gmail.com>, Gerald Gajdusek <jgajdusek@ymail.com>, gumby <gumby7\_@hotmail.com>, Harvey Katowitz <hkatowitz@windstream.net>, Ian Nadel <iannnadel@gmail.com>, Jack Houston <n.e.fl.1013club@gmail.com>, James Kirwin <jimbob1903@gmail.com>, James Rallis <rock156@aol.com>, Jgaynor <jgaynor13442@aol.com>, Jimmy Cuesta <jimmycuesta@hotmail.com>, "Jimmy Sabater Jr." <jsabater62@yahoo.com>, Jo-Ann Francis <jfnqueen7226@gmail.com>, Joe Green <popapoulie@yahoo.com>, Joe Vincent <public@joevincent.com>, John Nash <jdsm4024@aol.com>, John Schulken <johnschulken@comcast.net>, JOSEPH BROUSSEAU <joeapd771@msn.com>, Karen <kpnegotiate@aol.com>, kathleen keohane <katw5kittens@gmail.com>, Kenknight7 <kenknight7@aol.com>, kenny <nashyorker@gmail.com>, Kenny <flipflopfi@gmail.com>, Kevin <camelotdk@yahoo.com>, Laurie Golden <lauriegolden63@gmail.com>, Les Morgenstein <detles@comcast.net>, Linda Trocchio <linda610@me.com>, Lisa J <amitarconsulting@gmail.com>, lisa Kissane <tmkiss@hotmail.com>, Liz Aylward <eaylward@yahoo.com>, Louis Devirgilio <louis.devirgilio@ebrda.org>, Louis Lombardi <luigi13@aol.com>, Michael <sonsx7@aol.com>, Michael Everett <birth93@gmail.com>, Michael Fanning <hntsgt@gmail.com>, Michael Fanning <hntsgt@yahoo.com>, Michael Healy <mhealy1@sc.rr.com>, michael LaRue <laruefam4@gmail.com>, Mike Sanders <msanders740@gmail.com>, "Ms.Wright" <rserene27@aol.com>, nedra lombardo <neddybear2@gmail.com>, peter Billitteri <peterbillitteri489@gmail.com>, RAMONA MEDRANO <ramonamomo59@aol.com>, Robert Maresco <rlmaresco3200@gmail.com>, Robert Young <ranyoungdr@hotmail.com>, "Savino, Joseph" <SavinoJ@bouldercolorado.gov>, Sean C <houndog\_10@yahoo.com>, Seldine Kamara <seldinekamara@gmail.com>, "sgt1984@aol.com" <sgt1984@aol.com>, Susan and Bruce Newman <newmansgang@aol.com>, Susan Schulken <ssschulken@comcast.net>, Terry Ohayon <tcmo633@gmail.com>, Thomas Pilkington <rumrcity@gmail.com>, Thomas Reilly <treilly9126@yahoo.com>, Valerie Sabato <sabato.valerie@gmail.com>, Vincent A Esposito <vespo998@gmail.com>, william thide <wt28919@aol.com>, Yvonne Mair <rubigo007@gmail.com>

We met with a member of the New York State Assembly today, who said he would "look into looking into" GHI. (Not bad for a politician .) Specifically, he wanted to contact both the AG's office and DFS, but wants to refer to specific complaints that have been lodged against GHI.

If you have filed a complaint with the Attorney General and/or DFS, please send the complaint number (and which agency it refers to.)

Thank you!

Steve

**rock156@aol.com** <rock156@aol.com>

Tue, Apr 3, 2018 at 3:58 PM

To: Steve Cohen &lt;steve.cohen@stevecohenesq.com&gt;

My Complaint with NYS AG is Case No. 1386766

When you sent out your last email

I had another issue with GHI not paying the bill In Network for a doctor In Network

The doctors office asked me to hold off as they may have made a mistake

NO MISTAKES

GHI did not recognize the doctor as In Network

They answered me that the doctor just got In Network

That was not the case

The doctor did not and still does not show up on The GHI website  
GHI IS A MESS!!  
The doctor was Joseph Daley in Cape Coral Florida  
A pulmonologist

let me know if you need anything else  
James Rallis  
[Quoted text hidden]

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**michael LaRue** <laruefam4@gmail.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 4:03 PM

DFS complaint # CSB-2018-1247406  
Mike  
[Quoted text hidden]

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**Jimmy Sabater Jr.** <jsabater62@yahoo.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 4:03 PM

Thank you Mr. Cohen  
  
Sent from my iPhone  
[Quoted text hidden]

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**E J** <wandafish78@hotmail.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 4:14 PM

Hi Steve,  
  
I sent a complaint on 3/23 and not getting a confirmation number or anything. I'm doing it again now, and still no complaint number.  
  
Sent from Outlook

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**From:** Steve Cohen <steve.cohen@stevecohenesq.com>  
**Sent:** Tuesday, April 3, 2018 7:43:54 PM  
**To:** Steve Cohen  
**Subject:** GHI

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**charles** <chashav@yahoo.com>  
Reply-To: charles <chashav@yahoo.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 4:34 PM

I know you sent the links.....but it seemed involved at the time. The best I can do is say there are no doctors.....My wife is having OBGYN problems at 58 y/o . bleeding, etc., but refrains from going to the only doctor in town who accepts it. He is a man, she prefers a woman.....and the Office is always filled with Medicaid Patients !

Charles

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**From:** Steve Cohen <steve.cohen@stevecohenesq.com>  
**To:** Steve Cohen <steve.cohen@stevecohenesq.com>  
**Sent:** Tuesday, April 3, 2018 3:43 PM  
**Subject:** GHI



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**E J** <wandafish78@hotmail.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 4:51 PM

Finally went thru now. Sorry about that.

Complaint number is: CSB-2018-1250377.  
GHI/Emblem Health

Sent from Outlook

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**From:** Steve Cohen <steve.cohen@stevecohenesq.com>  
**Sent:** Tuesday, April 3, 2018 7:43:54 PM  
**To:** Steve Cohen  
**Subject:** GHI

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**Candido Rodriguez** <nycdtsgt@aol.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 4:53 PM

Hi Steve, I filed complaints to both. The AG complaint number is 39664. I don't have the number for DFS, they sent me a confirmation letter and I misplaced it. Thank you for your help,  
Candido

> On Apr 3, 2018, at 3:43 PM, Steve Cohen <steve.cohen@stevecohenesq.com> wrote:  
>

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**heymarge40** <heymarge40@gmail.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 5:53 PM

Hi. Yes I did. I filed a complaint with the attorney general. John Rice. Case # 1388146. 518 776 2465. I filed on 2/27/18. Since then I was told there is 1 bariatric surgeon in all of NC. I am seeing him tomorrow ironically. I have to travel 130 miles. About 2 1/2 hours each way. I have started the process because I have no choice. I also informed him we have no allergist, dermatologists, pulmonologist. The nearest psychiatrist is about 90 miles away. It's been a nightmare any time something has to be done here medically. If I can assist in any way I would be more than happy to. Thank you so much for all your work and updating me with the emails

Sent from my T-Mobile 4G LTE Device  
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**Nash** <nashyorker@gmail.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 6:06 PM

Thanks Steve for all your doing.  
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**Linda Trocchio** <linda610@me.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 3, 2018 at 7:13 PM

Attorney generals office (Eric Schneiderman's) I called on 2/9/18 and spoke with Erin. She provided me with a compliant number 38476 and told me she would get back to me in a month. To date we have heard nothing.

Sent from my iPad  
[Quoted text hidden]

**michael LaRue** <laruefam4@gmail.com>

Tue, Apr 3, 2018 at 8:59 PM

To: Steve Cohen <steve.cohen@stevecohenesq.com>

Steve just got answer back from GHI re anesthesiologist out of network. The outcome is because the claim is from Florida NYS Surprise bill does not apply. The doctor who did procedure and hospital both in the network. Looking at \$1400 bill. GHI sucks! Good Luck with the politicians

Mike

[Quoted text hidden]

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**Robert Albertson** <bikerfuzz@verizon.net>

Tue, Apr 3, 2018 at 10:25 PM

To: Steve Cohen <steve.cohen@stevecohenesq.com>

I have filed a complaint with both agencies.

They are 41442 and csb-2018-1250290

Sent from my iPhone

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**gary Poggiali** <gjppoggiali@gmail.com>

Wed, Apr 4, 2018 at 5:51 AM

To: Steve Cohen <steve.cohen@stevecohenesq.com>

Ok Steve.

Sent from my iPhone

[Quoted text hidden]

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**Joe Vincent** <public@joevincent.com>

Thu, Apr 5, 2018 at 9:42 AM

To: Steve Cohen <steve.cohen@stevecohenesq.com>

Greetings,

Here is code for Attorney General

confirmation code is: #39584.

**From:** Steve Cohen [mailto:[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)]

**Sent:** Tuesday, April 03, 2018 3:44 PM

**To:** Steve Cohen

**Subject:** GHI

We met with a member of the New York State Assembly today, who said he would "look into looking into" GHI. (Not bad for a politician .) Specifically, he wanted to contact both the AG's office and DFS, but wants to refer to specific complaints that have been lodged against GHI.

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**E J** <wandafish78@hotmail.com>

Thu, Apr 5, 2018 at 10:06 AM

To: Steve Cohen <steve.cohen@stevecohenesq.com>

Good Morning Steve,

Please find below, correspondence I had with GHI, pretty much telling me that since I moved out of New York, it's not their problem.

I hope this will help with the case. It is getting more and more frustrating. If we get sick, we go broke, since there are little to no in network doctors and same for hospitals.

Many thanks for your time.

Best Regards,

E. Castro

Reference #: 3-606927720

Plan Name:

Few years back I had a similar issue with a lab invoice, that I was forced to pay at the end anyway after submitting the surprise bill. Why can't a manager review this case instead of me wasting more time and money and at the end I know I will be forced to pay regardless because the hospital is out of network. This is unacceptable. The hospital should be contacted as well for giving me the wrong information, confirming that complete procedure would be covered. I contacted them also, and no one got back to me. Explain to me why there isn't an in network hospital within 100miles+? If I get sick I go bankrupt.

Reference #: 13524870

April 3, 2018

ENCARNACIO CASTRO  
2300 BUCKSKIN DR  
ENGLEWOOD, FL 34223

Member ID Number: 930994667  
Patient Name: Encarnacio Castro  
Provider: Gulf Coast Anes Assoc  
Claim: EMC4159780  
Date of Service: 1/12/2018  
Control Number: 3-606927720

Dear Encarnacio Castro:

We are sorry to hear that you had to go through the procedure. Your hospital benefits are handled by Empire Blue Cross/ Blue Shield. If you have concerns regarding participating hospitals in your area, you can contact Empire Blue Cross/ Blue Shield at 1-800-433-9592. Your medical benefits are handled by EmblemHealth, which includes doctor bills.

EmblemHealth is a New York State based company. The majority of our participating doctors are located in and around New York State. While we attempt to maintain participating doctors in other areas of the country, such as Florida, we cannot make guarantees that you will always providers in those areas. By choosing to relocate from New York to Florida, you have chosen to live in an area where we fewer participating providers. Unfortunately, the New York State Out of Network Surprise Bill mentioned in the previous email does not apply for services rendered outside of New York State, and would not be applicable to this claim.

We hope the information provided clarifies this matter.

If you have any questions, please call Customer Service at 1-800-624-2414, Monday to Friday, 8am to 6pm. If you are hearing or speech impaired and use a TDD/TTY, please call 711.

Please visit EmblemHealth.com to check claims, benefits, find a doctor, email customer service and more.

Sincerely,

T.Deery  
T.Deery



Customer Service Representative

Reference #: 3-606482810

Plan Name:

After waiting 2 month to miscarry naturally, after finding out that my baby had stopped growing, Dr. Gregush told me it was better to have the suction procedure to avoid an infection since my body wasn't going to do it on its own. I had the procedure than the same day and send me to the hospital he is associated with. The nurses office told me that they called GHI and blue cross to make sure the procedure will be covered in full, which they confirmed and so did the anesthesiologist which I also asked to be sure because I always get billed even though I should not. Since I got the green light from everyone in the Hospital, I had the procedure done, which I pretty much didn't have much of a choice anyway. Now I'm getting billed plus I have to pay a deductible. So now I checked which hospital is in network, and there is none within 100miles from me and I want to get pregnant again, and this is not acceptable. What if I have an emergency? Have to pay a deductible every single time? Also why am I getting wrong information everytime I go to the doctor or have to have a procedure? Please have a manager take a look at my account. This is very frustrating to say the least.

Reference #: 13518229

April 3, 2018

ENCARNACIO CASTRO  
2300 BUCKSKIN DR  
ENGLEWOOD, FL 34223

Member ID Number: 930994667  
Patient Name: Encarnacio Castro  
Provider: Gulf Coast Anes Assoc  
Claim: EMC4159780  
Date of Service: 1/12/2018  
Control Number: 3-606482810

Dear Encarnacio Castro:

Please submit a completed New York State Out-of-Network Surprise Medical Bill Assignment of Benefits Form and balance-due invoice from the provider. The claim at that time can be reviewed for additional payment.

We hope the information provided clarifies this matter.

If you have any questions, please call Customer Service at 1-800-624-2414, Monday to Friday, 8am to 6pm. If you are hearing or speech impaired and use a TDD/TTY, please call 711.

Please visit EmblemHealth.com to check claims, benefits, find a doctor, email customer service and more.

Sincerely,

C.Chabot  
C.Chabot  
Customer Service Representative

Sent from Outlook

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**From:** Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>  
**Sent:** Tuesday, April 3, 2018 7:43:54 PM  
**To:** Steve Cohen  
**Subject:** GHI

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mhealy1@sc.rr.com <mhealy1@sc.rr.com>  
To: Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>

Sat, Apr 7, 2018 at 8:52 AM

Our organization will be sending a newsletter shortly asking if any members have had issues dealing with GHI. I am presently out of country and will return in 10 days. I will catch up with you then.

Mike

**From:** Steve Cohen  
**Sent:** Tuesday, April 03, 2018 3:43 PM  
**To:** Steve Cohen  
**Subject:** GHI

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Virus-free. [www.avast.com](http://www.avast.com)

**luigi13@aol.com** <luigi13@aol.com>  
**To:** [steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)

Sun, Apr 8, 2018 at 7:48 PM

I have a complaint pending with the A.G. File # is 1390807.

-----Original Message-----

**From:** Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>  
**To:** Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>

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**Yvonne Mair** <[rubigo007@gmail.com](mailto:rubigo007@gmail.com)>  
**To:** Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>

Mon, Apr 9, 2018 at 7:47 PM

Attorney General Complaint

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Screenshot\_2018-04-09-19-35-54.png  
 346K

**michael LaRue** <[laruefam4@gmail.com](mailto:laruefam4@gmail.com)>  
**To:** Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>

Tue, Apr 10, 2018 at 10:42 AM

called again GHI sticking to their story. NYS surprise bill does not apply (FL) and out of network too bad. Again I told them the doctor who performed surgery and hospital both in network. Should not have to pay out of network rate(anesthesiologist) they feel my pain but nothing they can do.

Can you think of anything else?

Thanks

Mike

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**Steve Cohen** <steve.cohen@stevecohenesq.com>  
To: michael LaRue <laruefam4@gmail.com>

Tue, Apr 10, 2018 at 11:55 AM

Trying to figure out what else we can do. Back to you soon.

Sent from my iPhone

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**michael LaRue** <laruefam4@gmail.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Wed, Apr 11, 2018 at 9:42 AM

follow up GHI says they are a NY based company and follow only NY laws, not Florida.

Is that true?

Mike

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**Steve Cohen** <steve.cohen@stevecohenesq.com>  
To: michael LaRue <laruefam4@gmail.com>

Wed, Apr 11, 2018 at 9:45 AM

Michael,

Believe it or not, it is a complicated legal question, and I have assigned it to a legal researcher.

GHI says because you are in Florida, the NY law doesn't apply (even though they are a NY company which sold the policy in NY.) And they say Florida law doesn't apply even though they are operating (poorly) in Florida. Quite a Catch 22, no?

As soon as we get some case law, I will get back to you.

steve

[Quoted text hidden]

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**hkatowitz** <hkatowitz@windstream.net>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Wed, Apr 11, 2018 at 7:04 PM

Hi Steve,

I hope all is well.

This is for DFS:

My complaint - Correspondence #1-1-1541505029

Kerrie-Ann Nelson - Correspondence #1-1-1541712474

Frank Irizarry - Correspondence #1-1-1541712730

Dennis Cirillo - Correspondence #1-1-1538380650

This is the identical response we all received and below that is a reply I sent to their response and a subsequent email I received from them.

We appreciate you reaching out to us about the services that you received from the GHI/Comprehensive Benefits Program/Empire Blue Cross Blue Shield Plan (GHI-CBP) provided through the New York City Health Benefits Program.

Through collective bargaining agreements, the City of New York and the Municipal Unions have cooperated in choosing health plans and designing the benefits for the City's Health Benefits Program. These benefits are intended to provide you with the fullest possible protection that can be purchased with the available funding.

You are currently enrolled in the GHI-CBP health plan. The GHI-CBP is one of many health plans available to City employees, non-Medicare retirees and their dependents. The Health Benefits Summary Program Description (SPD), available on the Program's website at [nyc.gov/hbp](https://nyc.gov/hbp), provides information on all of the health plans along with explanations on how and when you are eligible to transfer health plans. The health plans differ with regards to plan type (PPO or HMO), network use (in-network only or available out-of-network coverage), provider service area (regional or nationwide), and cost (\$0 employee basic plan premium or employee premium payroll/retiree pension check deduction). In addition, posted on the Health Benefits Program website is the federally required Summary of Benefits and Coverage (SBC) for each plan that is available for City employees and non-Medicare retirees. The SBCs allow City employees and non-Medicare retirees to compare healthcare services among the various health plan options using an "apples to apples" comparison so that they may select the right plan for them. With regards to selecting a health plan, Page 4 of the SPD states the following:

To select a health plan that best meets your needs, you should consider at least four factors:

Coverage - The services covered by the plans differ. For example, some provide preventive services while others do not cover them at all; some plans cover routine podiatric (foot) care, while others do not.

Choice of Doctor - Some plans provide partial reimbursement when non-participating providers are used. Other plans only pay for, or allow the use of, participating providers.

Convenience of Access - Certain plans may have participating providers or centers that are more convenient to your home or workplace. You should consider the location of physicians' offices and hospital affiliations.

Cost - There is no cost for basic coverage under some of the health plans offered through the City Health Benefits Program, but others require a payroll deduction. Additional benefits (e.g., prescription drug coverage) may be available through an Optional Rider. These costs are compared on the rates charts which are available on the Health Benefits Program Web site at [nyc.gov/olr](https://nyc.gov/olr). Some plans require copayments for certain services. Some plans require you to pay a yearly deductible and coinsurance before the plans will reimburse you for the use of non-participating providers. If a plan does not cover certain types of services that you expect to use, you must also consider the out-of-pocket cost of these services. The plan you have chosen will send you information regarding your health benefits coverage when you enroll.

The GHI-CBP is a Preferred Provider Organization (PPO) which means that it offers members the opportunity to use in-network primary and specialist providers, without a referral. In addition, as stated on Page 43 of the SPD, GHI-CBP offers "payment for services provided by out-of-network providers made directly to you under the NYC Non-Participating Provider Schedule of Allowable Charges (Schedule). The reimbursement rates (allowed amounts) in the Schedule are not related to usual and customary rates or to what the provider may charge but are set at a fixed amount based on GHI's 1983 reimbursement rates. Most of the reimbursement rates have not increased since that time, and will likely be less (and in many instances substantially less) than the fee charged by the out of- network provider. You will be responsible for any difference between the provider's fee and the amount of the reimbursement; therefore, you may have a substantial out-of-pocket expense. If you intend to use an out-of-network provider, you can call GHI-Emblem Customer Service with the medical procedure code/s (CPT Code) of the service(s) you anticipate receiving to find out what you would be reimbursed."

To avoid the expense of using out-of-network providers, you should speak with your current local doctors and request that they apply to become GHI-CBP in-network providers.

In the alternative, as stated above, you have the option to transfer health plans. For non-Medicare retirees that reside outside of the New York City Metropolitan area, in addition to GHI-CBP, the following health plans, listed on Page 27 of the SPD, are available for you to enroll in:



- Aetna EPO (800) 445-8742 <http://aetnanycity.com>
- Empire EPO (800) 767-8672 [www.empireblue.com/nyc](http://www.empireblue.com/nyc)

We understand that selecting a health plan that best meets your needs is a difficult decision. However, we are here to help. Please visit the New York City Health Benefits Program website at <http://nyc.gov/hbp> to obtain a copy of the SPD and SBCs. Links to each of the health plan's dedicated NYC sites are also available to provide you with more information. If you have additional questions, please contact us at (212) 513-0470.

We hope this has addressed your concerns.

New York City Health Benefits Program

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**From:** hkatowitz  
**Sent:** Friday, March 30, 2018 5:28:28 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** Commissioner(OLR)  
**Subject:** City of New York - Correspondence #1-1-1541505029 Message to Agency Head, OLR - Health Insurance Benefits

Commissioner Linn,

Thank you for the response.

I understand the limitations of the plan, but the real issue is: To avoid the expense of using out-of-network providers, you should speak with your current local doctors and request that they apply to become GHI-CBP in-network providers.

As I stated in my initial complaint

Throughout the years we have recruited doctors who were willing to become GHI-CBP in-network providers, but their requests have been denied by GHI.

In one instance a GHI service representative told a medical administrator for a local physician that she would not recommend the physician becoming a GHI provider, that their insurance rates are lower than most insurance companies.

Another service rep told a physician that GHI is not accepting new applications for providers to join their network in NC, because there are enough participating providers. If you check the GHI website for GHI-CBP providers within 50 miles of Charlotte you will see that the number of physicians on this list, especially in specialty fields, is inadequate to cover the medical needs of the NYPD retirees and their families. Members often have to travel over 100 mile to find



participating providers.

See examples below.....

William A. McClelland, M.D., F.A.C.S.  
Daron J. Smith, M.D.  
Richard Gillespie, Jr., M.D.

*CornerStone*

EAR, NOSE & THROAT

WWW.CORNERSTONEENT.COM

Nicholas Lukacs, D.O.  
Meghan Jensen, Au.D.  
Jennifer Lynn Lockhart, Au.D.

March 17, 2010

Steven Bauer, MD  
12311 Copper Way  
Suite 100  
Charlotte, NC 28277

Dear Dr. Bauer,

I wanted to keep you informed about a request you made to Dr. McClelland concerning GHI. Dr. McClelland stated that you have patients that hold policies with GHI and recommended that we become contracted with them.

Unfortunately, becoming contracted with GHI has been a frustrating problem. I began the process in September 2009 and have called weekly without much success. After our initial contact, I began the paperwork and requested a fee schedule. On March 12, 2010, I was told by a GHI Provider Services representative that I really wouldn't want to be contracted with them. Seriously! The representative stated that GHI was provided for the City of New York employees and their retirees. She also mentioned that their reimbursement rates are lower than most insurance companies and the fees can't be increased. As you can imagine, I was shocked that any representative from an insurance company would recommend you **not** joining their group. After more questions, I gathered that we are contracted with Multi-Plan and that GHI will pay us through them only. If we sign up with GHI exclusively, they will drop our Multi-Plan contract and the reimbursement would be much lower. Again, the representative stated that with us being out of state physicians, there would be issues of payment.

After discussion with Dr. McClelland, we decided that this insurance company has sent us several red flags and that at this time we are hesitant about doing business with them. We sincerely hope this will not cause any inconvenience for you and your patients in the future. We do accept GHI secondary to Medicare and we will accept GHI if it is through the Multi-Plan. We appreciate all the referrals you send us and we will make every effort possible to accommodate you and your patients.

Sincerely yours,

Teresa M. Helms  
Administrator  
704-752-7575  
Teresa.helms@cornerstoneent.com

**Monroe**  
1107 Reynolds Street  
Monroe, NC 28112  
(704) 289-8220 Fax (704) 289-9195

**Monroe at The Park**  
1994 Wellness Blvd., Suite 210  
Monroe, NC 28110  
(704) 290-5995 Fax (704) 290-5997

**Arboretum**  
3135 Springbank Ln., Suite 200  
Charlotte, NC 28226  
(704) 752-7575 Fax (704) 752-7576

# BALLANTYNE MEDICAL ASSOCIATES, PLLC

Toringdon Medical Plaza I | 12311 Copper Way, Suite 100 | Charlotte, NC 28277  
Phone: (704) 540-1640 | E-mail: info@ballantynemedical.com | Fax: (704) 540-1639

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January 10, 2012

Mr. Philip J. Gillich  
Emblem Health-GHI  
55 Water Street  
New York, NY 10041-8190

Dear Mr. Gillich,

As a board certified family physician and former HIV specialist with New York DOH, I have been providing comprehensive medical care to children and adults for the past 14 years; 10 years were spent in Babylon Village,

NY and the past 5 years here in Charlotte, NC. I have always been an in-network GHI provider during these 14 years.

With my move to NC in 2006, I established Bauer Family Medicine, PLLC in the Ballantyne area of Charlotte.

In August 2011, I entered a full partnership agreement with a long time friend and colleague, Dr. Carlos Bernard Jorge.

At this time we underwent a name change to Ballantyne Medical Associates, PLLC. Dr. Jorge has been providing

medical care in NC for the past nine years. He is board certified in both Family Medicine and Clinical Lipidology.

Both Dr. Jorge and I maintain full staff privileges at Presbyterian Hospital in Charlotte.

We have worked hard to continue to expand on the paperless office that I began in 2006. We run an entirely electronic

and technologically advanced medical office. We utilize E-Clinical Works as our EMR software and have successfully



completed and submitted all Stage I meaningful use criteria by the September 2011 deadline. Additionally, we are very

close to meeting medical home criteria, allowing us to continue to provide the most comprehensive, compassionate,

and evidence based medicine to this community.

As you may be very well aware, there is a serious shortage of GHI providers in Charlotte, NC. We currently care for 425

active GHI patients, more than all other area practices combined. However, there is a very large and concerning gap in

care that cannot be provided to this panel of patients, when compared to all our other patients insured by other companies.

We are in network with every insurance company in this geographic location. Every other insurance company from

Medicare/Medicaid and Inclusive Health to all the private entities, reimburse for all the necessary diagnostic and therapeutic

office procedures, with exception of GHI. This leaves this large panel of patients (100% of which are either retired/disabled

NYPD/FDNY/Department of Corrections/Teachers/Sanitation and Postal Workers) and their families unable to receive medically

necessary diagnostics to assist in their care.

Often these prior public servants are forced out of network for these services and must endure travel times in excess of 2 hours

into South Carolina to establish as a new patient in an in-network specialty provider's office, simply for a 30 minute diagnostic

procedure. This drives up cost both for the patient and GHI, as most offices require a new patient visit and evaluation prior to

arranging the necessary procedure. This creates delay, increased cost, inconvenience and additional travel time for the GHI patient.

This is a massive disservice to the very same patients who likely have impacted all of our lives at sometime during their years of

public service. We hear from these patients daily as they express their frustration and dissatisfaction with these GHI policies and

limited access to care.

The good thing is that this can all be corrected very easily as Dr. Jorge and I are able to provide every diagnostic service to each

and every patient.

The following is an overview of our practice design and comprehensive services we offer all our patients:  
State of the art waiting

room with wireless internet access, flat screen television, free refreshments, hardwood floors, leather seating and handicap

accessible. We have 4 exam rooms, 1 large treatment/procedure room, an insurance consultation office, dedicated laboratory with

2 full time Quest phlebotomists, and dedicated nurse/triage station. Our website, [www.ballantymedicalassociates.com](http://www.ballantymedicalassociates.com) is fully

integrated with our EMR and allows a patient portal for full access to labs, medical records, prescription requests, appointments,

and secure email communication to physicians, nurses and administration. In our practice we provide comprehensive family care,

with adult and child immunization, travel immunizations/consults, gynecological exams, audiology, STD testing and treatment, and

full spectrum of skin and subcutaneous surgery, cryosurgery, Bove desiccation, and Elman Radiofrequency surgery.

Most importantly, for all our patients and especially GHI patients, we have full radiologic and diagnostic capabilities including the

following: echocardiography, general ultrasound, ABI testing, arterial and venous Doppler, nerve conduction testing, needle

EMG testing, cardiac event recorders, holter monitoring, pulmonary function testing, Cardiolite Nuclear stress testing with

Lexiscan if necessary, skin prick allergy testing and ECG.

Additionally we provide INR monitoring, a dedicated weight management and nutritional program, advanced metabolic/lipid testing

(through the Cleveland Heart Lab, Berkeley Heart Lab, VAP lipid, or NMR liposcience), Carotid intima evaluation (CIMT) by Cardiorisk

labs and unrestricted 24 hour on call access to myself and Dr. Jorge.

We employ only licensed and fully certified technicians and local area board certified cardiologists, neurologists and radiologists to

perform and interpret our studies.

In consideration of the above we request that our contract be amended to include reimbursement for the following codes

(retroactive to 10/1/11 if possible): 93306, 92970, 76536, 76700, 76870, 93880, 93925, 93970, 93922, 95860, 95903, 95904, 95004, A9500,

78452, 93015, 52785, 17110, 17111, 46916, 54056, 57061, 97032, 76770, 94010, 94060.

We thank you in advance for your time and consideration. Please feel free to contact our clinical office manager for any further

information: Barbara Bauer, RN, office 704-540-1640, cell phone (704) 681-0000, or email [barbara@ballantynemedical.com](mailto:barbara@ballantynemedical.com).

Respectfully,

Steven R. Bauer, D.O. P.C.

Carlos B. Jorge, M.D.

---

**From:** Wester, Jean [mailto:jbwester@novanthealth.org] (Novanthealth has over 500 physicians in their org.)  
**Subject:** GHI Conversation Status

Hi Harvey –

I hope this email finds you well.

As a matter of status, I have been in contact with Karen Yonkers at GHI who has advised that the network is closed. That means GHI is not accepting new applications for providers to join their network in NC.

I found that odd given the adequacy issues you shared with me and which I saw on the website. Therefore, I shared your GHI card with her so she could access benefits and the correct network so we were on the same page when speaking about the needs of your CBP fellow members vs. those who have access to the Multiplan network.

If she uses the information on the card and the zip code (28277) I gave her, she will be able to see the number, lack thereof, of in-network specialists for CBP plan members in this area and possibly make an argument for

That is all I have to share at the moment, but I wanted to let you know where we were at this time.

Best regards,



Jean

---

Here are excerpts of an email I sent to Karen Yonkers at Emblem Health in regards to the above email;

Hi Karen.....I am curious as to why the network is closed for the Charlotte area.

I am aware that certain GHI subscribers can access GHI participating physicians through a Multiplan contract, but that is not an option for NYC retirees. As part of our retirement package, the only GHI plan that NYC retirees can participate in is the GHI Comprehensive Benefits Plan.

In addition to the NYC police, retirees and their families there are over 300 other NYC retirees and their families in the Charlotte area who would benefit from Novant becoming GHI Comprehensive Benefits Plan providers.

For the past 6 years we have been attempting to get more physicians, especially in specialty areas, to GHI providers. Most of our efforts have been unsuccessful, often as result of what appears to be roadblocks from GHI.

I have attached a list of GHI providers in the Charlotte area who are part of the CPB Plan according to the GHI Website. The number of physicians on this list, especially in specialty fields, is inadequate to cover the medical needs of the NYPD retirees and their families.

Novant Health has vast network of physicians in the Charlotte area and in other areas of NC where many other NYPD retirees live. Allowing them to participate in the GHI CBP plan will ease the burden on the families of NYC retirees in Charlotte.

I would appreciate it if you can give me a call at my home, 704-849-9234.

Thank You,

Harvey Katowitz

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Here are further examples of our efforts that have met resistance from EmblemHealth/GHI

Hi Harvey

A friend of mine who is a physician started his own practice recently and because he knows we retirees need more GHI doctors in the Charlotte area has submitted/requested to be a GHI in network doctor. From what I understand, his application was denied because GHI says there are enough in this area. We all know we need more. Dr Emery says the decision can be appealed and a letter to go along with the appeal from you and our 10-13 club might go a long way in making them reverse their decision.

I CC'd him and am including his contact information hoping you might be able to speak to him to see if there is anything we can do that might help all of us.

Thanks,

Val

---

Afternoon Harvey,

These are the two doctors who called Kathleen Smith-McElhiney at Emblem Health Care a couple of times no response back.

Mecklenburg Ear Nose and Throat

Mary Fischer: Practice Manager

704-370-1412

Carolina Asthma & Allergy Center

Tiera Burks: Office Director

704-998-0840

Mary tired again today.

Bernard

---

As you can tell from these emails, EmblemHealth's responses to our efforts to recruit physicians to become EmblemHealth/GHI providers have been frustrating to us. There are other examples I could provide to you.

As a result of this many of our retirees and their family members put off seeing a doctor or wait until they travel to NY, often at a risk to their health.

---

**From:** Rose Amengual [<mailto:ramengua@nyceplans.org>]

**Sent:** Tuesday, April 03, 2018 1:21 PM

**To:** [hkatowitz@windstream.net](mailto:hkatowitz@windstream.net)

**Subject:** Your City of New York - Correspondence #1-1-1541505029 Message to Agency Head, OLR - Health Insurance Benefits

Hi Mr. Katowitz,

Just wanted to let you know that the Health Benefits Program shared your email to Commissioner Linn with Emblem (GHI) and Emblem is looking into the matter.

I will keep you posted.

Rose Amengual

Assistant Deputy Director

NYC Employee Benefits Program

>>> "Commissioner(OLR)" <commissioner214@olr.nyc.gov> 3/30/2018 5:28 PM >>>



<http://www.charlotte10-13.com>

---

**From:** Steve Cohen [mailto:steve.cohen@stevecohenesq.com]  
**Sent:** Tuesday, April 03, 2018 3:44 PM  
**To:** Steve Cohen  
**Subject:** GHI

We met with a member of the New York State Assembly today, who said he would "look into looking into" GHI. (Not bad for a politician .) Specifically, he wanted to contact both the AG's office and DFS, but wants to refer to specific complaints that have been lodged against GHI.

[Quoted text hidden]

---

**Steve Cohen** <steve.cohen@stevecohenesq.com>  
To: hkatowitz <hkatowitz@windstream.net>

Wed, Apr 11, 2018 at 7:17 PM

Thanks.

OLR is part of the problem, not part of the solution.

[Quoted text hidden]



**John** <jdsm4024@aol.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Tue, Apr 17, 2018 at 11:44 AM

Sorry I'm late. Couldn't locate my paperwork. My complaint# 1387409. I sent it to Erin at the Attorney Generals Office

Sent from my iPhone  
[Quoted text hidden]

**charles** <chashav@yahoo.com>  
Reply-To: charles <chashav@yahoo.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Thu, Apr 19, 2018 at 12:05 PM

Mr. Cohen:

My wife is in bad shape.....Just got off the phone with GHI. We need an Endocrinologist, Rheumatologist, as well as an OBGYN, and Psychiatrist.

My wife is bleeding heavily although blood tests show Peri-menopause. She has bi-polar disorder, Lupus, and a pituitary micro adenoma. Her hormones are running crazy.

My first rep "Wendy" was nasty, telling us it was our choice to move out of the NY area, the in network doctors are in the tri state area. She said there was ONE ObGyn in our area who we did visit and the Office was filthy and he was a man, she prefers a woman. "Wendy" responded "oh so you didn't like him, that is not our problem" .....

I called again and spoke with a rep named Jennifer who told us there is not much we can do except go out of network as the nearest specialist are over 125 miles away ( in network).....

The complaint form on the AG site you provided requests specifics that we are unable to provide. Can someone from that Office call us you think?

I sincerely feel we will have to travel to NY to address her needs at this point.....Any suggestions?

Respectfully submitted,

Charles Haver, retired FDNY 9/11 First Responder as well

(631) 495-4272

**From:** Steve Cohen <steve.cohen@stevecohenesq.com>  
**To:** Steve Cohen <steve.cohen@stevecohenesq.com>  
**Sent:** Tuesday, April 3, 2018 3:43 PM  
**Subject:** GHI  
[Quoted text hidden]

**Steve Cohen** <steve.cohen@stevecohenesq.com>  
To: charles <chashav@yahoo.com>

Thu, Apr 19, 2018 at 2:02 PM

Charles,

I'm truly sorry to hear about your wife.

Here is a half-baked idea: go back to your union -- whomever you know there -- and get their help. They have clout with GHI.

Good luck.

Steve  
[Quoted text hidden]

**Linda Trocchio** <linda610@me.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Mon, May 21, 2018 at 12:09 PM

Good afternoon

Just thought I would give you a quick update on my husband's claim. Interestingly enough, we received the attached letter in the mail today. I am beyond words as first of all no phone calls were ever made to our house or cells asking us to provide notes for our single case agreement for a sleep apnea case study with GHI. Not only were we advised when I lobbied the initial compliant with Erin at attorney generals office that she would be back in touch with us in 30 days...well that never happened.

In the interim, I did fight long and hard and went to many facilities locally and found one in which the facility and I did numerous calls with GHI to get them to approve his test. Needless to say, here is yet another example of where my husband was diagnosed with severe sleep apnea (in which he stopped breathing 52 times during testing) and yet it took two years to get GHI to finally approve. He recently was certified through the WTC program for this diagnosis.

Thank you for your continued help and periodic updates. I just thought you may find this amusing.

Sent from my iPad

> On Apr 3, 2018, at 3:43 PM, Steve Cohen <steve.cohen@stevecohenesq.com> wrote:

>  
[Quoted text hidden]

**Linda Trocchio** <linda610@me.com>  
To: Steve Cohen <steve.cohen@stevecohenesq.com>

Mon, May 21, 2018 at 12:12 PM

Just a correction...it was that he stopped breathing 52 times in an hour.

Sent from my iPad

> On May 21, 2018, at 12:09 PM, Linda Trocchio <linda610@me.com> wrote:

>  
> Good afternoon  
>  
> Just thought I would give you a quick update on my husband's claim. Interestingly enough, we received the attached letter in the mail today. I am beyond words as first of all no phone calls were ever made to our house or cells asking us to provide notes for our single case agreement for a sleep apnea case study with GHI. Not only were we advised when I lobbied the initial compliant with Erin at attorney generals office that she would be back in touch with us in 30 days...well that never happened.  
>  
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>  
> Thank you for your continued help and periodic updates. I just thought you may find this amusing.  
>  
>  
>  
> Sent from my iPad

>  
 >> On Apr 3, 2018, at 3:43 PM, Steve Cohen <steve.cohen@stevecohenesq.com> wrote:  
 >>  
 >> We met with a member of the New York State Assembly today, who said he would "look into looking into" GHI. (Not bad for a politician .) Specifically, he wanted to contact both the AG's office and DFS, but wants to refer to specific complaints that have been lodged against GHI.  
 >>  
 >> If you have filed a complaint with the Attorney General and/or DFS, please send the complaint number (and which agency it refers to.)  
 >>  
 >> Thank you!  
 >>  
 >> Steve



image1.jpeg  
1656K

**Steve Cohen** <steve.cohen@stevecohenesq.com>  
 To: Linda Trocchio <linda610@me.com>

Mon, May 21, 2018 at 4:41 PM

Linda,

Yikes!

Steve

[Quoted text hidden]

**James Rallis** <rock156@aol.com>  
 To: Steve Cohen <steve.cohen@stevecohenesq.com>

Fri, Jun 15, 2018 at 5:39 PM

What has happened in regard to this NYS Assemblyman "look into looking into" anything?  
 Any followup on this?  
 Jim Rallis

> On Apr 3, 2018, at 3:43 PM, Steve Cohen <steve.cohen@stevecohenesq.com> wrote:  
 >  
 [Quoted text hidden]

**Steve Cohen** <steve.cohen@stevecohenesq.com>  
 To: James Rallis <rock156@aol.com>

Sun, Jun 17, 2018 at 7:00 AM

He hasn't done anything. Legislative session ends this week. Maybe we'll get lucky.  
 [Quoted text hidden]

**Louis Lombardi** <luigi13@aol.com>  
 To: Steve Cohen <steve.cohen@stevecohenesq.com>

Mon, Aug 13, 2018 at 1:30 PM

Just got a response from the NYS AG on my complaint. GHI basically told me to pound sand.



Hopefully your lawsuit will get better results.

Louis Lombardi

Sent from my iPhone

> On Apr 3, 2018, at 3:43 PM, Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)> wrote:  
>

[Quoted text hidden]

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**Steve Cohen** <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>  
To: Louis Lombardi <[luigi13@aol.com](mailto:luigi13@aol.com)>

Mon, Aug 13, 2018 at 1:49 PM

I'm not.  
[Quoted text hidden]

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**Louis Lombardi** <[luigi13@aol.com](mailto:luigi13@aol.com)>  
To: Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>

Mon, Aug 13, 2018 at 2:15 PM

What have the court's rulings been?

Sent from my iPhone  
[Quoted text hidden]

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**Steve Cohen** <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>  
To: Louis Lombardi <[luigi13@aol.com](mailto:luigi13@aol.com)>

Mon, Aug 13, 2018 at 4:09 PM

We lost on a motion to dismiss. That ruling is now being appealed.  
[Quoted text hidden]

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**Louis Lombardi** <[luigi13@aol.com](mailto:luigi13@aol.com)>  
To: Steve Cohen <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>

Mon, Aug 13, 2018 at 4:20 PM

That explains their dismissive attitude with my complaint.

Good luck on appeal. 1st Department?

Sent from my iPhone  
[Quoted text hidden]

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**Steve Cohen** <[steve.cohen@stevecohenesq.com](mailto:steve.cohen@stevecohenesq.com)>  
To: Louis Lombardi <[luigi13@aol.com](mailto:luigi13@aol.com)>

Mon, Aug 13, 2018 at 4:24 PM

Federal court in Pennsylvania

Sent from my iPhone  
[Quoted text hidden]